

REMARKS

Claims 1-17 are pending and under examination. Of these, claims 3-5, 7-9, and 11-17 are withdrawn, and claims 1, 2, 6, and 10 stand rejected under 35 U.S.C. § 112, second paragraph. Each of these rejections is addressed in detail below.

Claim Amendments

Claims 1 and 2 have been amended to delete parenthetical matter and to recite the number of carbons prior to the substituent. Claim 1 is also amended to recite “an isolated stereoisomer” of formula (1) and to clarify the claim language regarding last wherein clause. Support for these amendments is found, for example, in paragraph [0030], page 10 of the as-filed specification; compounds P37, P40-P43, and P47-P50 in Figure 1; and original claims 1 and 5. Claim 1 is further amended to recite the atoms N, O, and S in Markush format, to delete =O, and to recite “keto” as a possible substituent for R³ but not other R groups. New claim 18 provides optional substituents of R¹-R⁵ including =O, and new claim 19 provides n³ is 1 and R³ is keto. Support for these new claims is found, for example, in original claim 1. No new matter has been added by the present amendments.

Rejection of claims 1, 2, 6, and 10

Claims 1, 2, 6, and 10 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Examiner states that the claims are unclear for reciting parenthetical subject matter, “may include =O,” and “may be keto.”

In response, applicants have deleted parenthetical subject matter. As suggested by the Examiner, applicants have amended the claims to recite the number of carbons prior to the substituent and to recite the atoms N, O, and S in Markush format. Applicants have further amended claim 1 to delete “=O” and to recite “keto” as a possible substituent for R³ but not R¹, R², R⁴, and R⁵. These rejections may now be withdrawn.

CONCLUSION


Applicants submit that the claims are now in condition for allowance, and such action is respectfully requested. In accordance with M.P.E.P. §§ 803.02 and 821.04(a), applicants request that withdrawn claims 3-5, 7-9, and 11-17 be rejoined and that examination of the Markush-type claims be extended.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: _____

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Michael J. Belliveau, Ph.D.
Reg. No. 52,608

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045